

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

- against -

PHILIP A. KENNER, et al,

Defendants.

----- X

MODIFICATION TO POST-CONVICTION
PROTECTIVE ORDER

Criminal Docket No. 13-0607 (JFB)

WHEREAS, on August 21, 2015, upon an ex parte application by the United States to this Court pursuant to Title 21, United States Code, Section 853(e)(1)(A), the Court entered a Protective Order intended to preserve the availability of, among other things, the real property known Diamante Cabo San Lucas, Diamante Boulevard s/n, Los Congrejos, Cabo San Lucas, B.C.S., Mexico 23473 (the “Diamante Resort Property”);

WHEREAS, on December 28, 2016, Diamante Doce LLC, the owner, through a trust, of a lot located at the Diamante Resort Property, submitted a letter to the Court requesting that the Court amend the Protective Order to make clear that individual property owners and time share members at the Diamante Resort Property are not subject to the Protective Order; and

WHEREAS, at a hearing on January 11, 2017, the United States agreed that the Protective Order does not prevent the transfer of time shares or individual lots at the Diamante Resort Property;

IT IS HEREBY ORDERED THAT the Protective Order be and hereby is modified to add the following provision:

“IT IS FURTHER ORDERED that nothing in the Court’s August 21, 2015 Protective Order shall extend to individual lot owners or time share members at the Diamante Resort Property or prevent such owners and members from selling, pledging or otherwise disposing of or transferring their interests in the Diamante Resort Property.”

Dated: Central Islip, New York
_____, 2017

SO ORDERED,

HONORABLE JOSEPH F. BIANCO
UNITED STATES DISTRICT JUDGE